

Fiscal Note

Fiscal Services Division



HF 2377 – Probation Extension (LSB 5217HV)

Analyst: Beth Lenstra (Phone: 515-281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version – New

Requested by Representative Wayne W. Ford

Description

House File 2377 permits the court to extend probation for up to one year, including one year beyond the maximum period, for a violation of probation. The Bill applies to criminal offenses committed on or after July 1, 2010.

Background

Correctional and Fiscal Information

- In FY 2009 there were 3,708 felony and 12,547 misdemeanor offenders admitted to probation.
- There were 170 probation offenders revoked to prison during FY 2009 for reasons other than a new arrest.
- The marginal cost per day for prison is \$18.29 per offender.
- The average daily cost for probation is \$3.64 per offender.
- There is no cost impact on the Judicial Branch or indigent defense.

Minority Data Information

- Of the 170 probation revocations to Iowa prisons in FY 2009, 19.4% were black, 3.5% were Hispanic, 2.4% were Native American, 1.2% were Asian, and 73.5% were white.
- The U.S. Census estimate for Iowa was 3.0 million people as of July 1, 2008 (the most current estimate available). Men comprise 49.3% of the population. Approximately 92.0% of Iowa's population is white. The composition of the remaining 8.0% is: 3.2% black, 0.3% American Indian or Alaska Native; 1.7% Asian; and 2.8% is of two or more races or unknown.
- Iowa's prison population was 8,454 offenders on June 30, 2009. Men comprise 92.1% of the population. According to the Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights, the racial composition of the prison system was: 71.4% white; 25.8% black; 0.9% Asian or Pacific Islander; and 1.9% American Indian or Alaska Native. Included in these racial groups were 6.7% that identified themselves as Hispanic (nearly all of these identified themselves racially as being white).
- According to the CJJPD, on June 30, 2009, approximately 7.9% of the offenders in prison were women and 26.5% of offenders under supervision in Community-Based Corrections (CBC) were women. Approximately 21.9% of the total offender population under correctional supervision was women.
- According to the CJJPD, 72.9% of offenders on probation on June 30, 2009, were men. Approximately 80.2% of offenders on probation are white; 12.6% are black; 5.1% are Hispanic or Latino; 1.1% are American Indian or Alaska Natives; and 1.0% are Asian or Pacific Islander.

Assumptions

Correctional and Fiscal Information

- The number of offenders on probation may increase, depending on how the sentencing option is applied.
- The number of probation offenders revoked to prison may decrease, if judges choose to use this sentencing option.

Minority Data Information: Approximately 14.0% of Iowa's population has at least one disability. The number of disabled offenders convicted under this Bill may be 14.0%.

Summary of Impacts

Correctional Impact

If 10.0% of probation offenders currently revoked to prison for two years were to remain on probation, the prison population would decrease by 34 offenders in FY 2013. The impact would be significantly less in FY 2011 or FY 2012 because this sentencing option is not available for those offenders currently on probation.

If judges extend probation for offenders for reasons other than technical violations, such as failure to pay restitution, there could be a significant increase in probation caseloads. That impact cannot be determined due to a lack of data.

Minority Impact: To the extent that this sentencing option is used in lieu of prison, there may be a slight decrease in confinement of minorities. These offenders would remain in the correctional system, but on probation rather than prison.

Fiscal Impact

The fiscal impact cannot be determined due to a lack of data. If 34 offenders were diverted from prison, there would be a net savings of \$182,000 in FY 2013. Savings are not anticipated to be significant in FY 2011 or FY 2012. If 34 offenders received a probation extension, probation costs are expected to increase by \$45,000 in FY 2013. Costs are not anticipated to be significant in FY 2011 or FY 2012.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections

/s/ Holly M. Lyons

February 15, 2010

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the correctional and minority impact statements were prepared pursuant to [Section 2.56, Code of Iowa](#). Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.
